Supreme Court, U.S.
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No. 98-1532

In The

Supreme Court of The United States

October Term, 1998

ROBERT L. SCHULZ, GARY T. LOUGHREY, MARK N. AXINN, BRADFORD R. ARTER, and JAMES B. STRAWHORN,

Petitioners,

THE NEW YORK STATE LEGISLATURE, SHELDON SILVER, SPEAKER OF THE ASSEMBLY AND JOSEPH BRUNO, SENATE MAJORITY LEADER; and THE NEW YORK STATE EXECUTIVE, GEORGE PATAKI, GOVERNOR, H. CARL MC CALL, COMPTROLLER,

Respondents,

And

THE CITY OF NEW YORK; and THE NEW YORK CITY TRANSITIONAL FINANCE AUTHORITY,

Intervenors-Respondents.

SUPPLEMENTAL BRIEF

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Additional Appearances on inside of Cover

Petitioners - All Appearing Pro-se

28

No. 98-1532

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"To take a single step beyond the boundaries specifically drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition" These words of Thomas Jefferson apply equally to the Legislature of the State of New York.

This Court re-affirmed this most fundamental principle in In re Duncan, Tex. 1891, 11 S. Ct. 573, 577, when it held, "By the Constitution, a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves; ***but, while the people are thus the source of political power, their governments, national and state, have been limited by written constitutions....***" (Plaintiffs' emphasis).

If freedom in America was meant to mean anything, it was meant to mean freedom from the unrestrained acts of government. Governmental power in New York State is now not susceptible of any definition. As reflected by the Acts challenged in the instant case, and other Acts (including the Acts which were the subject of three cert petitions brought to this Court by plaintiff Schulz and others during the past four and one-half years), the State government is paying no heed to the boundaries established by the New York Constitution.[1]

The threat of tyranny and despotism is rising exponentially in New York. New York has become a willfully wayward state. Plaintiffs are paying a very heavy price, not only in terms of their loss of liberty and the erosion of sovereignty but in economic terms as well.

Plaintiffs are part of a group of citizens who recognize the seriousness of the problem of a state that sees itself in possession of a boundless field of power.

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[1] 94-996, 98-81 and 98-421.

This overt governmental lawlessness cannot be allowed to continue. The people deserve better at the hands of their government. All legal remedies have been exhausted at the state level. It is possible for the public patience also to become exhausted and despair to set in. The consequences of this would be unfathomable.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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